

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 3-10 and 12-33 are pending in the application, with Claims 3, 5, 14, and 18 amended by the present amendment.

In the outstanding Office Action; Claims 5, 7, 8, 12-19, 21, 26, 29, 20 and 33 were rejected under 35 U.S.C. 112, second paragraph; Claims 3-7, 9-17, 20-28 and 30-32 were rejected under 35 U.S.C. 102(e) as being anticipated by McHale, IV et. al. (US 2002/0038165 A1)(“McHale”); Claims 3-7, 9-17, 20-28, and 30-32, were alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over McHale in view of Cavello (U.S. 5,699,226); Claims 8 and 18, were rejected under 35 U.S.C. 103(a) as being unpatentable over McHale in view of Yuter (U.S. 4,800,438); Claims 8 and 18 were alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over the McHale/Cavello combination in further view of Yuter; Claim 19, was rejected under 35 U.S.C. 103(a) as being unpatentable over McHale in view of Duphorne (U.S. 6,212,265 B1); Claim 19, was alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over the McHale/Cavello combination in further view of Duphorne; Claim 29, was rejected under 35 U.S.C. 103(a) as being unpatentable over McHale in view of Kono (U.S. 6,229,694 B1); and Claim 29, was alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over the McHale/Cavello combination in view of Kono.

Claim 3 is amended to recite “a number reading part configured to enable the portable table top terminal to read an identification number of a table where the portable table top terminal is placed on the terminal receptacle.” Support for this amendment is found in Applicants’ originally filed specification.¹ Claims 5, 14, and 18 are amended to correct the deficiencies noted in the Official Action. Applicants traverse the rejection of Claim 7 under

¹ Specification, page 16, line 8.

35 U.S.C. 112, second paragraph, and note that the route guide function is explained in Applicants' originally filed specification.² However, Claim 7 is amended to more clearly describe and distinctly claim Applicants' invention. No new matter is added.

Briefly recapitulating, amended Claim 3 is directed to a service managing system, comprising a portable table top terminal configured to enable customers to view menus and to order desired dishes. The portable table top terminal is driven by a battery. The service managing system also includes a kitchen terminal configured to receive and indicate ordered dishes from the portable table top terminal; an accounting unit configured to cast accounts in response to customers' requests input into the portable table top terminal by the customer, and to indicate calculated results; and a control unit configured to process data between the portable table top terminal, the kitchen terminal and the accounting unit. Data is transmitted and received using radio communications between the portable table top terminal, kitchen terminal, accounting unit and control unit. In addition, a terminal receptacle is provided on at a customer location and configured to receive the portable table top terminal thereon. The portable table top terminal is ready for use when it is placed on the terminal receptacle. The terminal receptacle includes a number reading part configured to enable the portable table top terminal to read an identification number of a table where the portable table top terminal is placed on the terminal receptacle.

The automated service system of Claim 3 allows for reduced manpower and improved quality of service to customers.³ With the present invention, the table or counter top order terminals run on batteries, and are usable on any table or at any counter position. Further, with the terminal receptacle placed on a customer table or counter position, it is possible to identify a particular table or counter position where the ordering terminal is located and, thus, where an

² Specification, page 17, lines 6-14; page 24, lines 7-20.

³ Specification, page 5, lines 10-13.

order is given.⁴ Thus, the ordering terminals (i.e., a portable table top terminal or a counter terminal) are not required to correspond to a predetermined table or counter locations on a one-to-one basis, so that they can be freely operated on any tables or counter position.

McHale teaches a computerized system and method for processing an order for food and/or drink without requiring a waiter or waitress to take the order is improved by incorporating an advertising scheme into the system whereby advertisements are selected by an establishment server having a customized data base.⁵ The system of McHale includes a patron station 102, where each patron station 102 serves as an interactive portal from which a patron (or several patrons) may directly place orders without waiter/waitress intervention. In McHale, preferably, each patron station 102 is located at a table in the establishment.⁶

However, contrary to the Official Action, McHale does not teach or suggest “a terminal receptacle provided on at a customer location and configured to receive a portable table top terminal thereon.” Applicants traverse the suggestion that a tabletop or a computer chassis might correspond to Applicants’ claimed terminal receptacle. In addition, McHale does not disclose or suggest a terminal receptacle that includes “a number reading part configured to enable the portable table top terminal to read an identification number of a table where the portable table top terminal is placed on the terminal receptacle.” Applicants have also considered the Cavello, Yuter, and Kono references and submit these references do not cure the deficiencies of McHale. Because none of the cited references disclose or suggest all the elements of independent Claim 3, Applicants submit the inventions defined by Claim 3, and all claims depending therefrom, are not anticipated and are not rendered obvious by the cited references.⁷

⁴ Specification, page 12, lines 8-12.

⁵ McHale, abstract

⁶ McHale, paragraph [0054].

⁷ MPEP § 2142 “...the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

The present amendment is submitted in accordance with 37 C.F.R. § 1.116 which permits amendments placing the claims in better form for consideration on appeal after final rejection. Since the present amendment clarifies the claimed invention, it is respectfully requested that 37 C.F.R. § 1.116 be liberally construed and the present amendment be entered.

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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